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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,509	12/27/2000	Cangshan Xu	LAM2P223A	9477

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EXAMINER

NGUYEN, DUNG V

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 08/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

**Office Action Summary**

Application No.

09/752,509

Applicant(s)

XU ET AL.

Examiner

Dung V Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 and 28-35 is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-23 and 27 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5&amp;7</u> . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 12-15, 17-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pant et al (USPN 6,328,642) in view of Jensen et al (USPN 6,315,643). Pant et al disclose a seamless polishing apparatus 31 for utilization in chemical mechanical polishing comprising a polishing pad 30 being shaped like a belt, configured to have no seams, made of polymeric material or polyurethane, being between about 30 mils and about 100 mils in thickness, configured to have a grooved top surface; a base belt including a layer 34, the layer 34 is a steel layer (note Fig. 3, 4A and 4B, col. 5, line 1 to col. 6, line 21). However, Pant et al do not disclose a base belt including a reinforcement layer and a cushioning layer. Jensen et al disclose a base belt including a multiple layers 42 and 46, wherein the layer 46 is an intermediary layer between the polishing pad and the base belt, wherein the layer 46 is a sponge like material or polyurethane material (note Fig. 4, col. 3, lines 32-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Pant et al with the base belt as disclosed by Jensen et al in order to produce an even wafer surface.

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3. Claims 8, 16, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pant et al (USPN 6,328,642) in view of Jensen et al (USPN 6,315,643) as applied to claims above. Pant et al, as modified by Jansen et al, lacks the thickness of a cushion layer between about 10 mils and about 100 mils. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the thickness of the cushioning layer between about 10 mils and about 100 mils, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

4. Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Pant et al and Jensen et al at the time this invention was made. Accordingly, Pant et al and Jensen et al are disqualified as prior art through 35 U.S.C. 102(e), (f) or (g) in any rejection under 35 U.S.C. 103(a) in this application. However, this applied art additionally qualifies as prior art under another subsection of 35 U.S.C. 102 and accordingly is not disqualified as prior art under 35 U.S.C. 103(a).

5. Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the inventor of this application, and is therefore, not the invention "by another", or by antedating the applied art under 37 CFR 1.131.

***Allowable Subject Matter***

6. Claims 24-26 and 28-35 are allowed.

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7. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: prior art of record fails to disclose or imply a seamless polishing apparatus comprising a cap or a cover configured to cover an adhesive film between the base belt and the polishing pad or a method for generating a polishing pad structure comprising providing a reinforcement layer, applying a first adhesive film over the reinforcement layer, attaching a cushioning layer on the first adhesive film, applying a second adhesive film over the cushioning layer, attaching a seamless polishing pad on the second adhesive layer and curing the polishing pad structure, as specifically recited by applicant's respective claims.

### ***Response to Arguments***

9. Applicant's arguments filed 11 June 2002 have been fully considered but they are not persuasive. In response to applicant's argument that Pant et al and Jensen et al are disqualified as prior art in rejection under 35 U.S.C. 103(a) in this application, however, these applied references additionally qualifies as prior art under another subsection of 35 USC 102 is not disqualified as prior art under 35 USC 103(a). it is required that applicant submit affidavit under 37 CFR 1.132 or 1.131 to overcome the applied prior art.

### ***Conclusion***

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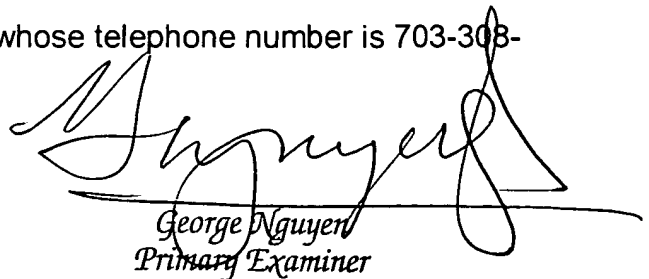
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



George Nguyen  
Primary Examiner

DVN  
August 15, 2002